

EXHIBIT 10

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4

5 -----) Civil Action No.:
6 IN RE: FLINT WATER CASES) 5:16-cv-10444-JEL-MKM
7) (consolidated)
8)
9) Hon. Judith E. Levy
10 -----) Mag. Mona K. Majzoub

11
12 HIGHLY CONFIDENTIAL
13 VIDEOTAPED DEPOSITION OF GERALD AMBROSE
14

15 Wednesday, June 10, 2020
16 Volume 1
17

18 Remote oral deposition of GERALD AMBROSE,
19 conducted at the location of the witness in Lansing,
20 Michigan, commencing at approximately 9:07 a.m., on
21 the above date, before JULIANA F. ZAJICEK, a
22 Registered Professional Reporter, Certified Shorthand
23 Reporter, Certified Realtime Reporter and Notary
24 Public.

1 communications or negotiations with DWSD and Sue
2 McCormick about the City of Flint returning to that
3 water supply instead of the Flint River on an interim
4 basis?

5 A. Yes, we had discussions about that.

6 Q. You did with Mr. Freeman?

7 A. Pardon me?

8 Q. You -- you had discussions like that with
9 Mr. Freeman?

10 A. Yes.

11 Q. But I thought you told us, sir --

12 I'm sorry. Go ahead.

13 A. No. You go ahead.

14 Q. I thought you said earlier, though, that
15 you don't recall having any communications or
16 discussions with Ms. McCormick at this time about that
17 subject?

18 Did I not get that correct?

19 A. No, that's -- no. That's correct.

20 (WHEREUPON, a certain document was

21 marked Gerald Ambrose Deposition

22 Exhibit No. 30, for identification,

23 as of 06/10/2020.)

24 BY MR. ROGERS:

1 Q. Okay. The next document is Flint
2 production 0549830.

3 MR. ROGERS: And, Juliana, sorry, remind me what
4 exhibit number we are up to?

5 THE COURT REPORTER: Exhibit 30.

6 MR. ROGERS: Thank you very much. Exhibit 30.

7 BY MR. ROGERS:

8 Q. Do you recall this memorandum that you
9 wrote, Mr. Ambrose, to Mr. Wayne Workman, the -- the
10 Deputy Treasurer for the State of Michigan?

11 A. I do.

12 Q. And this is another document in which you
13 state that the -- as far as you were concerned as the
14 emergency manager, that the City would not be
15 returning to the DWSD as its water supply, is that
16 true, and you explain the reasons why?

17 A. Yes, I did.

18 (WHEREUPON, a certain document was
19 marked Gerald Ambrose Deposition
20 Exhibit No. 31, for identification,
21 as of 06/10/2020.)

22 BY MR. ROGERS:

23 Q. And then the next document, which will be
24 Exhibit 31, is a resolution -- it's Flint No.

1 0550059 -- presented on -- and adopted on March 23rd.
2 This was a -- a vote taken by the City Council to
3 actually return to DWSD as the City's water supply,
4 right?

5 A. That's what it -- yes, that's what it is.

6 Q. And the City Council didn't have the power
7 or authority under the existing law and arrangements
8 that existed at the time, rather, you, as the
9 emergency manager, had the power and authority to do
10 that, right?

11 A. That's correct.

12 Q. So would you consider this to be more of
13 an advisory vote or a recommendation by the City
14 Council to have the City return to DWSD?

15 A. I believe the resolution says it is a
16 recommendation of the City Council.

17 Q. Right.

18 It says here: "THEREFORE, BE IT RESOLVED,
19 the Flint City Council recommends" by an 8 to 0 vote
20 "that the City of Flint do all things necessary to
21 return to the Detroit Water and Sewerage Department
22 (DWSD) for the purchase of water for its citizens."

23 Right?

24 A. That's correct.

1 (WHEREUPON, a certain document was
2 marked Gerald Ambrose Deposition
3 Exhibit No. 32, for identification,
4 as of 06/10/2020.)

5 BY MR. ROGERS:

6 Q. And then the next document I'm going to
7 show you is a press release that you issued the next
8 day on March 24th. The Bates number on this document
9 is Flint 0009721.

10 Do you recall this?

11 A. Yes.

12 Q. And you say here -- I'm going to direct
13 your attention to this section, maybe I can highlight
14 it for you. I'll try to do that. This section right
15 here.

16 I'm sorry. This isn't the best and
17 straightest line I've ever drawn, but...

18 A. No problem.

19 Q. You said in the press release:

20 "It is incomprehensible to me that 7
21 members of the Flint City Council would want to send
22 more than 12 million a year to the system serving
23 Southeast Michigan, even if Flint ratepayers could
24 afford it. Water from Detroit is no safer than water

1 from Flint."

2 Did I read that correctly?

3 A. Yes, you did.

4 Q. So, Mr. Ambrose, you used the words here
5 "it is incomprehensible," and this was on March 24th,
6 2015.

7 Having read this document where you
8 described returning to the DWSD as incomprehensible,
9 does that refresh your memory that that's what you
10 said to Mr. Marvin Gnagy about this subject matter,
11 that it was incomprehensible, a return to DWSD?

12 A. No, it doesn't.

13 Q. And at this point in time, is it not
14 correct, as we discussed earlier, that the Utilities
15 Department for the City of Flint was not running a --
16 a deficit, right?

17 A. That's correct.

18 Q. And the reason that you were not in favor
19 of returning to the DWSD is that the \$12 million per
20 year that was being saved, you were using, in part,
21 to -- to fund upgrades to the water treatment plant so
22 that the City could eventually join the KWA, true?

23 MR. WOLF: Object as to form. Wolf.

24 BY THE WITNESS:

1 A. The reason that I was not in favor of
2 returning to DWSD was because, to my knowledge, the
3 water being produced, provided, was within State and
4 Federal guidelines. It was safe in that category --
5 in that -- it was safe from that perspective.

6 Quality was an issue. We had a plan to
7 address the quality, odors and -- odor and
8 discoloration, and that plan, implementing that plan,
9 in my perspective, was a better benefit to the
10 ratepayers and the users of the Flint water system.

11 BY MR. ROGERS:

12 Q. But -- but haven't you said -- stated on
13 many occasions, Mr. Ambrose, that the \$12 million that
14 was being saved by not purchasing the water from DWSD,
15 that \$12 million was what was being used to fund the
16 improvements to the plant, the water treatment plant,
17 that would be necessary for it to be upgraded to
18 eventually join the KWA, true?

19 A. That was one of the benefits of using the
20 river on an interim basis.

21 Q. Right. Okay.

22 (WHEREUPON, a certain document was
23 marked Gerald Ambrose Deposition
24 Exhibit No. 33, for identification,

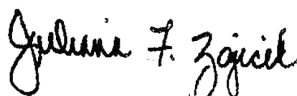
1 REPORTER'S CERTIFICATE

2
3 I, JULIANA F. ZAJICEK, a Registered
4 Professional Reporter, Certified Realtime Reporter,
5 Certified Shorthand Reporter and Notary Public, do
6 hereby certify that prior to the commencement of the
7 examination of the witness herein, the witness was
8 duly remotely sworn by me to testify to the truth, the
9 whole truth and nothing but the truth.

10 I DO FURTHER CERTIFY that the foregoing is
11 a verbatim transcript of the testimony as taken
12 stenographically by me at the time, place and on the
13 date hereinbefore set forth, to the best of my
14 availability.

15 I DO FURTHER CERTIFY that I am neither a
16 relative nor employee nor attorney nor counsel of any
17 of the parties to this action, and that I am neither a
18 relative nor employee of such attorney or counsel, and
19 that I am not interested directly or indirectly in the
20 outcome of this action.

21 IN WITNESS WHEREOF, I do hereunto set my
22 hand on this 25th day of June, 2020.

23 

24 JULIANA F. ZAJICEK, RPR, CSR, CRR